

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BERKLEY ASSURANCE COMPANY,

Plaintiff,

-against-

JOHN H. FISHER, P.C. and JOHN H. FISHER,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/5/2023

1:23-cv-1716 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

This case has been assigned to my docket, and the defendants have filed an answer. The Court will schedule an Initial Pretrial Conference if necessary after the Court reviews the joint letter and Proposed Case Management Plan described below.

In the interim, IT IS HEREBY ORDERED that the parties shall commence discovery, including the exchange of initial disclosures, as set forth in Federal Rule of Civil Procedure 26.

IT IS FURTHER ORDERED that, within 14 days of this Order, the parties shall confer to discuss the possibility of settlement for at least one hour.

IT IS FURTHER ORDERED that by June 26, 2023, the parties shall file on ECF a joint letter and Proposed Case Management Plan, as described in the Court's Individual Rules of Practice in Civil Cases. The joint letter may not exceed 6 pages and must include the following:

1. A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case;
2. A brief statement by the plaintiff, or by the defendant in removed cases, as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue.

Statements shall include citations to relevant statutes. In cases invoking the Court's

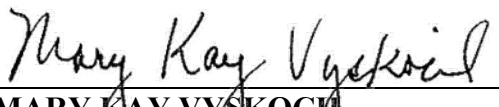
diversity jurisdiction, the parties should state both the place of incorporation and the principal place of business of any party that is a corporation, and the citizenship of all members, shareholders, partners, and/or trustees of any party that is a partnership, limited partnership, limited liability company, or trust;

3. A statement of procedural posture, including
  - a. A brief description of any (i) motions that have been made and decided, (ii) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (iii) pending motions and (iv) other applications that are expected to be made at the conference;
  - b. A brief description of any discovery that has already taken place, and a brief description of any discovery that the parties intend to take in the future; and
  - c. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and
4. Any other information the parties believe may assist the Court in resolving the action.

Any request for an adjournment must be filed on ECF at least 48 hours before the deadline.

**SO ORDERED.**

**Date: June 5, 2023**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**